

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

GEOTAG INC.

v.

YELLOWPAGES.COM LLC

NO. 2:10-CV-272-TJW

JURY

**DOCKET CONTROL ORDER**

It is hereby ORDERED that the following schedule of deadlines is in effect until further order of this court:

9/3/2013	Jury Selection – 9:00 a.m. in Marshall, Texas.
8/19/2013	Pretrial Conference - ____ a.m/p.m. in Marshall, Texas.
8/12/2013	Notice of Request for daily Transcript or Real Time Reporting of Court Proceedings. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at lssimmons@yahoo.com.
8/5/2013	Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict.
8/2/2013	Motions in Limine Due. The parties are ordered to meet and confer on their respective motions in limine and advise the court of any agreements in this regard by 3:00 p.m. the business day before the pretrial conference.
7/26/2013	Parties to identify rebuttal trial witnesses.
7/22/2013	Response to Dispositive Motions (including Daubert motions) Responses to dispositive motions filed prior to the dispositive motion deadline, include Daubert Motions, shall be due in accordance with Local Rule CV-7(e).
7/19/2013	Parties to identify trial witnesses.
7/3/2013	Deadline for filing Dispositive Motions and any other motions that may require a hearing (including Daubert motions and not including motions in limine).
6/19/2013	Discovery Deadline.
5/20/2013	Rebuttal expert reports due.
4/19/2013	Party with the burden of proof to designate Expert Witnesses other than claims construction. Expert witness report due. Refer to Discovery Order for required information.
3/22/2013	Comply with P.R. 3-7.
12/5/2012	Claim construction hearing at 9:00 a.m., Marshall, Texas.
11/13/2012	Mediation deadline.
11/6/2012	Comply with P.R. 4-5(d).
10/30/2012	Comply with P.R. 4-5(c).
10/19/2012	Comply with P.R. 4-5(b).
10/4/2012	Comply with P.R. 4-5(a).

9/28/2012	Claim construction discovery deadline.
9/7/2012	Comply with P.R. 4-3.
8/6/2012	Comply with P.R. 4-2.
7/6/2012	Comply with P.R. 4-1.
4/6/2012	Join Additional Parties.
4/6/2012	Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings except to the extent the amendment seeks to add a new patent in suit. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein.)
Within 60 days after the deadline for document production.	Privilege Logs to be exchanged by parties.
6/30/2011	Comply with P.R. 3-3 and 3-4.
3/22/2011	Comply with P.R. 3-1 and 3-2.

### LIMITATIONS ON MOTIONS PRACTICE

**Summary Judgment Motions:** Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than five (5) pages and shall be filed with the Court no later than sixty (60) days before the deadline for filing summary judgment motions. Answering letter briefs in each of those matters shall be no longer than five (5) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than five (5) days thereafter. The Court may decide the question on the submissions or hold a hearing or telephone conference to hear arguments and to determine whether the filing of any motion will be permitted.

**Motions to Strike Expert Testimony/Daubert Motions:** Prior to filing any Motions to Strike or Daubert Motions, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than three (3) pages and shall be filed with the Court no later than sixty (60) days before the deadline for filing

Motions to Strike or Daubert Motions. Answering letter briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than two (2) pages and filed with the Court no later than five (5) days thereafter. The Court may hold a hearing or telephone conference to hear arguments and to determine whether the filing of any motion will be permitted.

For all of the above mentioned motions, the letter briefs shall be filed without exhibits. Any requests to submit letter briefs after the deadlines outlined above must show good cause.

#### **OTHER LIMITATIONS**

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be EDITED so as to exclude all unnecessary, repetitious, and irrelevant testimony; ONLY those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
  - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
  - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;

- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

IT IS SO ORDERED.